



Docket No. 4126-4012

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Rinehart et al.

Group Art Unit: 1614

Serial No.: 10/693,174

Examiner: Cook, Rebecca

Filed: October 23, 2003

For: COMPOSITIONS AND METHODS COMPRISING LONG-CHAIN, STRAIGHT-CHAIN 2-AMINO-3-HYDROXYALKANES

PETITION FOR PRIORITY CLAIM UNDER 37 C.F.R. § 1.78(a)(6)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To the Petitions Office:

Applicants hereby petition for priority claim under 37 C.F.R. § 1.78(a)(6) to add a priority claim to US provisional applications 60/043,326 (filed April 15, 1997) and 60/043,599 (filed April 15, 1997).

The status of the application is under final rejection. The final rejection for the application was issued on August 19, 2005. There are no pending prior art rejections. A response to the final rejection is being filed concurrently. Applicants believe the response will be sufficient to remove all rejections. In performing a review of the application in anticipation of allowance, Applicants found that the priority claim is in need of correction.

According to the most recent Filing Receipt and the electronic PAIR record, this application is a continuation of 09/386,724 (filed August 31, 1999, issued as US Pat. 6,800,661), which is a CIP of 09/058,456 (filed April 10, 1998, issued as US Pat. 6,107,520).

The "grandparent" application 09/058,456 claims priority from provisional applications 60/043,326 (filed April 15, 1997) and 60/043,599 (filed April 15, 1997).

The "parent" application 09/386,724 inadvertently omitted the priority claim to the two provisional applications at the time of filing, but was amended to include reference to the two provisional applications during the course of its prosecution. The amendment to include reference to the two provisional applications was entered by the USPTO. According to the rules in place for the parent, a petition was not required to amend the priority claim.

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Similarly to the "parent" application 09/386,724, the instant application (submitted as a photocopy of the parent) inadvertently omitted reference to the two provisional applications at the time of filing.

Applicants have previously submitted a Request for Corrected Official Filing Receipt in order to indicate that 09/058,456 claims priority from provisional applications 60/043,326 and 60/043,599. In response, the USPTO Office of Initial Patent Examination indicated that to change the benefit claim, the first sentence of the specification must be amended in order to include reference to the priority claim (copy attached). In the response to the final rejection, an amendment to the specification is being submitted in order to include reference to the priority claim.

The USPTO Office of Initial Examination did not check the box to indicate that a petition would be required to include reference to provisional applications 60/043,326 and 60/043,599. However, in the event that a petition is required, Applicants submit this petition. The entire delay between the date the claim was due under paragraph (a)(5)(ii) of this section and the date the claim was filed was unintentional.

- ☒ The Commissioner is hereby authorized to charge any fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500. Order No. 4126-4012.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: November 18, 2005

By: _____


Kenneth H. Sonnenfeld / Michael A. Willis
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